

STATE OF TENNESSEE

Office of the Attorney General



PAUL G. SUMMERS
ATTORNEY GENERAL AND REPORTER

MAILING ADDRESS

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NASHVILLE TN 37202

Reply to:

Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

March 2, 2004

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

**IN RE: TARIFF TO RECLASSIFY RATE GROUPING OF CERTAIN
BELLSOUTH EXCHANGES TARIFF NO. 2004-0055**

Docket 04-00015

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Motion for Summary Judgment in regards to Docket No. 04-00015. Kindly file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615) 741-1671. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Shirley".

Joe Shirley
Assistant Attorney General

CC: All Parties of Record.

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T.R.A. DOCKET ROOM

MICHAEL E. MOORE
SOLICITOR GENERAL

CORDELL HULL AND JOHN SEVIER
STATE OFFICE BUILDINGS

TELEPHONE 615-741-3491
FACSIMILE 615-741-2009

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**TARIFF TO RECLASSIFY RATE
GROUPING OF CERTAIN BELL SOUTH
EXCHANGES - TARIFF NO. 2004-0055**

DOCKET NO. 04-00015

**CONSUMER ADVOCATE AND PROTECTION DIVISION'S
MOTION FOR SUMMARY JUDGMENT**

Comes now Paul G. Summers, Attorney General and Reporter for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), pursuant to Rule 56 of the Tennessee Rules of Civil Procedure, and hereby submits the *Consumer Advocate and Protection Division's Motion for Summary Judgment*.

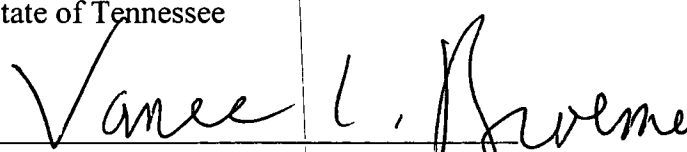
As grounds for this Motion, the Consumer Advocate would show that there is no genuine issue as to any material fact in this matter and that the Consumer Advocate is entitled to judgment as a matter of law. In particular, the above-captioned tariff to reclassify certain rate groups filed by BellSouth Telecommunications, Inc. ("BellSouth") should be denied and summary judgment entered because it adjusts telephone rates for basic local exchange services and increases BellSouth's aggregate annual revenues in violation of Tenn. Code Ann. § 65-5-209.

In support of this Motion, the Consumer Advocate files and serves herewith the *Affidavit of Mark H Crocker, CPA*, the *Consumer Advocate and Protection Division's Statement of Undisputed Material Facts*, and the *Consumer Advocate and Protection Division's Memorandum of Law in Support of Motion for Summary Judgment*.

WHEREFORE, the Consumer Advocate respectfully requests the Tennessee Regulatory Authority to enter an order granting its Motion and denying BellSouth's Tariff No. 2004-0055.

RESPECTFULLY SUBMITTED,

PAUL G. SUMMERS, B.P.R. #6285
Attorney General
State of Tennessee


VANCE L. BROEMEL, B.P.R. #11421
JOE SHIRLEY, B.P.R. #022287
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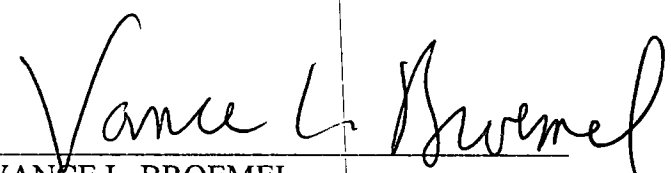
Dated: March 2, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via facsimile or first-class U.S. Mail, postage prepaid, on March 2, 2004, upon:

Guy M. Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
Facsimile: 615-214-7406

James B. Wright, Esq.
United Telephone-Southeast, Inc.
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
Facsimile: 919-554-7913


VANCE L. BROEMEL
Assistant Attorney General

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